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SUBJECT: ITALY/IUU FISHING: INFORMATION REQUESTED FOR PURPOSES OF
THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT

REFS: A) 10/31/08 PRESTON - WARNER-KRAMER E-MAIL
B) 10/30/08 PRESTON-CIMO E-MAIL C) STATE 104929

¶1. (SBU) Summary. In response to USG request for information pertaining to the Driftnet Moratorium Protection Act, the Government of Italy (GOI) stresses additional measures that it has taken in 2008 to combat illegal, unregulated, and unreported (IUU) fishing by Italian fishing vessels. Those measures include a ban on low-level flights in the southern Tyrrhenian Sea (to prevent the use of spotter planes); legal changes increasing the sanctions for fisheries violations and making the possession on board of illegal/unauthorized fishing equipment a violation; and a strong enforcement effort, in coordination with other European Union (EU) member states and the EU Community Fisheries Control Agency (CFCA). The GOI also provided additional information regarding its submission of data, through the EU, to the International Commission for the Conservation of Atlantic Tunas (ICCAT), and on the licensing, monitoring and control of fishing and support vessels. Finally, GOI authorities described their support for a one-year ICCAT moratorium on bluefin tuna fishing in 2009, and their plans to conduct a fleet reduction program in 2009 which they hope will result in a 30-percent reduction in the Italian purse seine fleet. End Summary.

Fisheries DG, Coast Guard respond to U.S. questions

¶2. (U) SCICouns transmitted ref c) points and questions regarding the High Seas Driftnet Fishing Moratorium Protection Act to the Italian Ministry of Agricultural, Food and Forest Policies and to the Ministry of Foreign Affairs on 7 October, 2009. Marine Fisheries and Aquaculture Director General (DG) Francesco Abate responded to the questions in a letter dated 24 October, 2008. Following a 29 October meeting with DG Abate; Fisheries Director Plinio Conte; National Fisheries Control Center head (and Italian Coast Guard Commander) Oreste Pallotta; and Coast Guard Lieutenant Commander Fabio Rivalta, in which Post requested clarification of some points, DG Abate wrote a second letter on 5 November, containing additional information. The information below is drawn from the two letters, from discussions in person, by telephone and e-mail with GOI officials, and from the Port Captaincy's Final Report of Italian participation in the European Union (EU) 2008 Bluefin Tuna Fishing Monitoring Campaign in the Mediterranean. A hard copy of the report, some of which is in English, will be mailed to Dr. Rebecca Lent (NMFS - Silver Spring). The information below

is organized to respond to ref c) questions, which also are included. The Italian authorities expressed willingness to provide additional information, if needed by Washington agencies.

Q and A: ICCAT Reporting

1Q. What steps has Italy taken to improve its data collection and reporting to ICCAT?

13. (SBU) A. Italy is represented at ICCAT by the European Commission (EC). Since the European Union is the entity which is an ICCAT member, Italian catch data are sent to the EC for transmission to ICCAT. In the case of bluefin tuna, pursuant to ICCAT recommendation 06-05, the Fisheries Directorate requires fishers (generally the ship-owners or fishers' associations) to report their catch data to the Directorate every five days by e-mail, mail or fax. The Directorate, after minimal turn-around time to check the data and convert it to an electronic format, then sends the information by e-mail to the EC. The more detailed fishing vessel log book data is collected by the port authorities, who then send it to the Fisheries Directorate. The Fisheries Directorate combines that information with that regarding fixed tuna traps and sport fishing, and sends it to the EC on the fifteenth of every month (and sometimes more often) through the EU's FIDES Fishery Data Exchange System. The GOI authorities were not aware that the EC had not submitted Italy's monthly and five-day catch data to ICCAT in a timely way, and could not offer an explanation as to why that might have happened. They recommended that the USG seek more detail on that question from the EC. They also noted that they are working on replacing paper record submission with electronic data submission,

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but that it is not a quick process.

Q and A: Anti-driftnet enforcement

1Q. Has any action been taken to address the alleged driftnet fishing activity described in various NGO reports?

14. (SBU) A. A significant portion of Italy's enforcement vessels, in the 2008 fishing season, were dedicated to the EU bluefin tuna Joint Deployment Plan described below. However, Italy ensured that enforcement of other fishing regulations, including those regarding driftnets, also continued. Over the course of the 2008 anti-driftnet enforcement efforts, 429,725 meters of driftnets were seized by port authorities, the Coast Guard, and the Financial Police (Guardia di Finanza) in Catania, Messina, and Palermo (all in Sicily); Reggio Calabria; Naples; and Lazio (the region in which Rome is located). Two changes supporting anti-driftnet enforcement efforts in 2008 were the toughening of sanctions for illegal fishing and the inclusion of "possession on board of illegal/unauthorized fishing equipment" as a violation triggering sanctions (see para 11 for more detail).

15. (SBU) Regarding the case of Diomede II, mentioned in ref c) points: Diomede II is authorized to use "ferrettara" nets, which have a smaller mesh size (180 millimeters) than the driftnets once used to catch swordfish and tuna ("spadare," in Italian). The ferrettara nets also are deployed in a different way. Under Italian regulations, ferrettara nets may not be longer than 2.5 kilometers and may not be used more than 10 miles from the coast. Under EC regulation 1239/98, Annex VIII, ferrettara nets may not be used to set on swordfish or various tunas, including bluefin tuna; however, some by-catch of those species is allowed in the course of fishing for permitted species such as salpa and mackerel. On May 8, the day following the sighting by Greenpeace mentioned in ref c), the Messina Coast Guard formally cited Diomede II for using 2.8 kilometers of ferrettara net, instead of 2.5 kilometers. This likely led to the seizure of nets and the imposition of a fine; the Italian authorities did not have the details at hand to confirm the exact penalty applied. They commented that, while they were not familiar with the details of the Oceana report mentioned in ref c), it was likely that many of the vessels observed by the group were actually authorized to fish with ferrettara nets, and that the nets

seen in the photographs were ferrettara nets, rather than driftnets (spadare).

Q and A: Anti-spotter-plane enforcement

1Q. Has any action been taken to address the alleged use of spotter planes by Italian vessels fishing for bluefin tuna?

16. (SBU) A. Italy participated actively in the EU's 2008 Bluefin Tuna Joint Deployment Plan (JDP), which was coordinated by the Community Fisheries Control Agency (CFCA) and involved joint action by accredited ICCAT inspectors and vessels from Italy, France, Spain, Greece, and Malta, for monitoring bluefin tuna (BFT) fishing. Italy contributed more vessels than any other member state, and was the only member state to provide airplanes for aerial surveillance. The JDP included 210 aerial reconnaissance flights and 29 aerial inspections. The Italian national plan included an additional 14 aerial reconnaissance flights and 28 aerial inspections. More data is available on pp. 18-19 of the Port Captaincy's JDP Final Report mentioned in para 2.

17. (SBU) Because Italian regulations do not permit the prohibition of spotter plane flights unless the planes' illegal support to BFT fishing is proved, in 2008 the Coast Guard also worked directly with the institutions responsible for commercial flight control to obtain a specific advisory notice ("NOTAM") forbidding any private low-level flights in the southern Tyrrhenian Sea during intense periods of BFT fishing aerial surveillance. This measure appears to be the only such provision in the Mediterranean area; in the 20 June 2008 JDP Steering Group meeting, the CFCA urged other member states to adopt similar measures (see minutes included in the JDP Final Report). The 2008 JDP and Italian national aerial campaigns led to

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the identification of six illegal spotter planes and the initiation of legal sanction procedures against them. The court case against the U.S.-registered plane N-337SM, which was identified on 5 June 2008 as having been used as a spotter plane for BFT fishing off of Sicily, also includes two associated fishing vessels (see Annex VI(2) of the June 20 JDP minutes).

Q and A: Fleet monitoring, registration and licensing

1Q. 1) What other steps has Italy taken to ensure effective monitoring and control of its fleet and support vessels, such as transshipment/carrier vessels? 2) Specifically, what are the requirements for fishing and support vessel registration and licensing and which part of the Italian government is responsible for these activities?

18. (SBU) A. 1) In addition to the JDP and Italian national plans mentioned above, two Italian Coast Guard officials are working at the EU CFCA operations center in Brussels. More than eighty Italian Coast Guard officials have been accredited as ICCAT inspectors, after receiving the required training from the CFCA, at Italy's National Research Council facility in Ancona, and at other seminars and roundtables in Reggio Calabria, Livorno, Naples, Ancona, etc.

1A. 2) The Fisheries Directorate is the GOI entity responsible for fishing licensing. Regarding commercial fishing in general, the Italian law providing the basis for issuing fishing licenses is Agriculture Ministerial Decree 26 of July 1995. (Post can e-mail Italian-language copies of this decree and other laws upon request.)

19. (SBU) Regarding bluefin tuna (BFT) fishing authorization, the requirements for vessels to obtain the authorization are those provided for in ICCAT Recommendations and in current EU regulations. Both BFT fishing vessels and BFT support vessels are included in a special list; updates to the list are transmitted continuously to ICCAT by the Fisheries Directorate. There are just a small number of authorized BFT support vessels, which primarily transport food for tuna ranching pens. However, many small vessels in Italy are authorized to transport sailors and goods in general.

¶10. (SBU) The GOI authorities noted that the September 2008 World Wildlife Fund-commissioned report on Italy's BFT industry incorrectly includes many of these small transport vessels on lists of BFT fishing/support vessels. They also noted that the vessel "Luca Maria" which Greenpeace observed in 2007 in the area of BFT fishing grounds (mentioned in ref c)), was authorized only for transport, and not for fishing or BFT ranching support. After the Greenpeace sighting, it was inspected, but no nets were found on board. Since it was appropriately registered as a transport vessel, on the small vessels registry of the Port Captaincy/Coast Guard office in Cetara (south of Naples), and there was no evidence of fishing activity, it apparently was not sanctioned. (Transport vessels are not required to carry "blue box" transponders on board.) The Luca Maria is currently not even authorized to transport goods; it is registered for only "personal use."

Q and A: Legal basis for sanctions and enforcement

¶Q. What punitive actions can Italy take against its vessels that are found to be operating illegally? What law or laws provide the basis for monitoring, control and enforcement of the Italian fishing fleet and support vessels?

¶11. (SBU) A. The legislation providing the legal basis for Italian fisheries monitoring, control and enforcement is Law 963/65, which was modified by Decree Laws 153 and 154/2004. Those laws recently were modified by Law 101/2008 which, by converting into law the Decree Law 59/2008, doubled fines for fisheries violations, and added important additional sanctions. Law 101/2008 also included, as violations of law, actions such as 1) the possession on board of fishing equipment that is "illegal, unauthorized, or not in conformance with the applicable regulations" and 2) violations of fishery recovery plans, including that for bluefin tuna.

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¶12. (SBU) The administrative sanctions imposed by Law 101/2008 for possession on board of illegal/unauthorized fishing equipment include fines of 1000-6000 euros; confiscation of the catch; confiscation and destruction of the illegal/unauthorized equipment (except for the fishing vessels themselves) at the cost of the violator; and, in cases of repeat offenders, the suspension of fishing licenses for 10-30 days. The sanctions for violations of fishery recovery plans include fines of 2000-12,000 euros. While most fisheries violations (lack of pre-notification, inadequate product traceability, lack of authorization) are punished with administrative sanctions such as those above, fishing for catch below minimum size limits is punished with penal sanctions.

GOI support for ICCAT BFT moratorium, fleet reduction

¶13. (SBU) Per refs a) and b), Fisheries DG Abate also said on 29 October that he had just come back from Brussels, where the topic of discussion was what mandate to give the EU Commission regarding bluefin tuna for the 17-24 November ICCAT meeting in Marrakesh, Morocco. He said that he had asked the EU to support closing the fishery to all countries for a year, noting "There is no point in the EU stopping, and other countries not stopping." As a result of his intervention, he said, the Commission is now free to agree to a moratorium, as well as to reductions in quota or fishing days.

¶14. (SBU) DG Abate also said that his Ministry is about to announce a new program with strong incentives for fishermen to get out of the bluefin tuna purse seining business, in order to reduce overcapacity. He noted that they are hoping for a 30% reduction in 2009 alone. The program is with Agriculture Minister Zaia for his signature now. Agriculture Diplomatic Advisor Giorgio Starace said that he is pushing for it to be signed as soon as possible, but that it will not be easy to implement. According to Coast Guard Comm. Pallotta, the program will be co-financed 50/50 by the European Union and by the Italian Treasury.

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